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10/611,471	06/30/2003	Yan Feng	P3510	1591

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CENTRAL COAST PATENT AGENCY, INC  
3 HANGAR WAY SUITE D  
WATSONVILLE, CA 95076

EXAMINER

WU, RUTAO

ART UNIT PAPER NUMBER

3639

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/611,471	<b>Applicant(s)</b> FENG ET AL.	
	<b>Examiner</b> Rutao Wu	<b>Art Unit</b> 3639	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Status of Claims***

1. The response filed June 23, 2006 the applicant amended claims 16, 24, 29, 30. No claims have been cancelled and no new claims have been introduced. Claims 1-38 are pending in the application.

### ***Response to Arguments***

2. Applicant's arguments, see page 9, filed June 23, 2006, with respect to claims 23, 24, 29 and 30 have been fully considered and are persuasive. The 35 U.S.C. §112 2<sup>nd</sup> rejection of claims 23, 24, 29 and 30 has been withdrawn.
3. Applicant's arguments filed June 23, 2006 have been fully considered but they are not persuasive.

In the applicant's remarks no specific claim was noted as being distinct from the prior art of Carter III (U.S. Pat No. 5,878,400, hereafter known as Carter.), therefore, the Examiner herein takes claim 1 as the representation of the applicant's invention with regards to the response in this office action.

In the remarks, the applicant argues that Carter fails to teach a data repository accessible to the server node for storing at least one pricing data model and rules for manipulating the model as claimed. (page 9) The Examiner respectfully disagrees.

Carter discloses that in one embodiment the invention's pricing system is implemented on a server in a computer network, the invention is typically implemented

with the aid of a laptop or otherwise remote terminal or computer which communicates with the server via a wired or wireless connection. (col 5: lines 58-64) Carter also discloses that the invention performs a database query for retrieving all pricing adjustments applicable to user specified products and the user specified organization. (col 19: lines 11-13) Therefore, from the above disclosures it is clear that Carter's invention has a data repository (database) that is accessible to the server node (laptop/remote terminal/computer) for storing at least one pricing data model and rules for manipulating the model.

The applicant argues that the system of Carter fails to provide a solution for creative pricing strategies such as tiered pricing, product or service bundling, or other creative pricing structures. The Examiner respectfully disagrees.

As noted in the previous office action, the Examiner directs the applicant to FIG 7 of Carter where it clearly shows a pricing type for Tiered Pricing.

In light of the arguments above, Carter disclose or teaches every aspect of independent claims 1, 16, 25 and 32. Dependent claims 2-15, 17-24, 26-31 and 33-38 are not patentable based on the dependency from the independent claims. Therefore claims 1-38 stand rejected.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6, 8, 10-19, 22, 25, 27-38 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat No. 5,878,400 to Carter, III.

**Referring to claim 1:**

An automated pricing system for calculating pricing for items and item orders comprising:

A server node connected to a data network for serving pricing information; (col 5: lines 58-60)

A pricing application running on the server node for calculating the pricing information served; and (col 5: lines 58-60)

A data repository accessible to the server node for storing at least one pricing data model and rules for manipulating the model; (col 19: lines 4-6; Fig 15B)

Characterized in that the server node receives requests for pricing, accesses at least one pricing data model having rules created for pricing factors used in at least one pricing sequence to price an item or items of the request and uses the pricing application to calculate the correct pricing results including sub totals and total amounts for the request based on sorting and conflict resolution of the rules accessed for each factor, according to the selected model. (col 9: lines 43-67)

**Referring to claim 2:**

The pricing system of claim 1 wherein the data network is the Internet network. (col 5: lines 58-60)

**Referring to claim 3:**

The pricing system of claim 1 wherein the data network is a local area network connected to the Internet network. (col 5: lines 61-65)

**Referring to claim 4:**

The pricing system of claim 1 wherein pricing requests are received from a business-to-business server connected to the data network the requests generated in an automated fashion and routed to and queued in the pricing server for processing. (col 5: lines 55-57)

**Referring to claim 5:**

The pricing system of claim 1 wherein the pricing requests are received from clients accessing an enterprise hosted Web server connected to the data network, the requests routed to and queued in the pricing server for processing. (col 5: lines 61-65)

**Referring to claim 6:**

The pricing system of claim 1 wherein the requests are received from a client operating from a wireless network-capable device through a wireless interface having connection to the data network, the requests routed to and queued in the pricing server for processing. (col 5: lines 61-65)

**Referring to claim 8:**

The pricing system of claim 1 wherein the served pricing information is item pricing generated in the form of a pricing list. (col 9: lines 59-67)

**Referring to claim 10:**

The pricing system of claim 1 wherein there are multiple pricing models applicable to different pricing methods. (col 6: lines 22-31)

**Referring to claims 11 and 13:**

The pricing system of claim 10 wherein the methods include product-based pricing, product scope pricing, contract pricing, tiered pricing, and bundled pricing. (Fig 7)

**Referring to claim 12:**

The pricing system of claim 1 wherein there is one pricing model extensible to reflect multiple pricing methods. (col 7: lines 54-63)

**Referring to claim 14:**

The pricing system of claim 1 wherein the repository is part of a legacy system. (col 5: lines 18-20)

**Referring to claim 15:**

The pricing system of claim 1 wherein pricing rules are accessed and, sorted and resolved for conflict in sequence for each listed factor having rules in the order that each factor exists in the at least one pricing sequence starting with the first factor in the first sequence. (col 19: lines 20-40)

**Referring to claim 16:**

An automated pricing system for calculating pricing for items and item orders comprising:

A pricing server component for calculating pricing based on pricing factors used in at least one pricing sequence; (col 3: lines 56-62)

A software application suit for calculating prices for pricing requests received by the system further comprising:

A pricing management application for creating at least one pricing model and for updating and editing the at least one model; (col 12: lines 46-49, 62-65)

A model validation component for testing the integrity of the at least one pricing model; (Fig 6-14)

A pricing list generator for generating line item pricing lists; and (col 10: lines 18-21)

At least one application program interface for enabling third-party applications of varying platforms to communicate with the pricing server component; (col 5: lines 55-60)

Characterized in the pricing requests received are handled by the software application in automated fashion by accessing at least one pricing data model for one or a combination of product-based pricing, product scope pricing, contract pricing, tiered pricing, and bundled pricing scenarios by matching rule constraints to requests parameters for each pricing factor in a given pricing sequence used by the application to calculate pricing for a given request, according to the selected model. (col 14: lines 15-34; Fig 7)

**Referring to claim 17:**

The system of claim 16 wherein pricing requests are received from a business-to-business server having data-network-access to the application suit, the requests generated in an automated fashion and routed to and queued in a machine hosting the server component of the application. (col 5: lines 55-57)

**Referring to claim 18:**



The system of claim 16 wherein the pricing requests are received from clients having data-network-access to an enterprise hosted Web server connected to the data network, the requests routed to and queued in a machine hosting the server component of the application. (col 5: lines 61-65)

**Referring to claim 19:**

The system of claim 16 wherein the requests are received from a client operating from a wireless network-capable device through a wireless interface having access to the application, the requests routed to and queued in the pricing server for processing. (col 5: lines 61-65)

**Referring to claim 22:**

The system of claim 16 wherein there are multiple pricing models applicable to different pricing methods. (col 6: lines 22-31)

**Referring to claim 25:**

In an automated pricing system for calculating pricing for items and item orders, the system including a pricing application running on a server node, and a data repository accessible to the server node for storing at least one pricing data model and rules for manipulating the model, a method for price calculation of an item in the pricing request comprising steps of:

(a) receiving the pricing request for processing and selecting at least one pricing data model from the data repository; (col 18: lines 64-67)

(b) identifying an item pricing sequence comprising pricing factors used in calculating, according to the model; (col 18: lines 52-55)

(c) accessing the rules for the first listed factor in the sequence having associated rules; (col 19: lines 21-23)

(d) sorting the rules based on constraint matching to parameters in the request; (col 19: lines 23-40)

(e) eliminating those rules that do not match the request parameters; (col 19: lines 42-43)

(f) applying the value of the remaining rule that most closely matches the request parameters to the factor; (col 19: lines 16-20)

(g) repeating steps (c) through (f) for each factor in the sequence that has associated rules; and (col 19: lines 21-40)

(h) calculating the price of the item using the values assigned to the factors of the sequence. (col 19: lines 43-50)

**Referring to claim 27:**

The method of claim 25 wherein in step (b) the pricing sequence is an item pricing sequence selected by default according to the pricing model. (col 18: lines 60-63)

**Referring to claim 28:**

The method of claim 25 wherein in step (c) the rules are accessed from a data repository containing the pricing model data. (col 19 lines 4-6)

**Referring to claim 29:**

The method of claim 25 wherein in step (c) the rules for the factor specify necessarily, the item being processed, a customer requesting the item pricing, and the

sequence factor associated with the rule, and optionally, an item category associated with the item, an effective data of the rule, and expiry date of the rule, and the minimum and maximum quantity ranges of the item ordered. (col 18: lines 65-67)

**Referring to claim 30:**

The method of claim 25 wherein in step (d) the parameters in the request specify, a request date, a customer that initiated the request, the item being processed, and the sequence used to calculate the pricing, and optionally, a contract date, a sales channel, and attributes assigned to the customer, item, and channel. (col 19: lines 6-9)

**Referring to claim 31:**

The method of claim 25 wherein an additional step is required between steps (e) and (f) for conflict resolution in case of more than one candidate rule remaining after step (e) (col 19: lines 21-40)

**Referring to claim 32:**

In an automated pricing system for calculating pricing for items and item orders, the system including a pricing application running on a server node, and a data repository accessible to the server node for storing at least one pricing data model and rules for manipulating the model, a method for price calculation of the total figure of multiple items in the pricing request comprising steps of:

(a) after items have been individually priced using a pricing sequence, identifying an order pricing sequence comprising factors used in calculating totals according to the at least one pricing data model; (col 19: lines 43-50)

(b) accessing rules for the first listed factor in the sequence having associated rules; (col 19: lines 21-23)

(c) sorting the rules based on constraint matching to parameters in the request; (col 19: lines 23-40)

(d) eliminating those rules that do not match the request parameters; (col 19: lines 42-43)

(e) applying the value of the remaining rule that most closely matches the factor; (col 19: lines 16-20)

(f) repeating steps (b) through (e) for each factor in the sequence that has associated rules; and (col 19: lines 21-40)

(g) calculating the order total for the order using the values assigned to the factors of the sequence. (col 19: lines 43-50)

**Referring to claim 33:**

The method of claim 32 wherein in step (a) the order pricing sequence is selected by default according to the pricing model. (col 18: lines 60-63)

**Referring to claim 34:**

The method of claim 32 wherein in step (b) the rules are accessed from a data repository containing the pricing model data. (col 19 lines 4-6)

**Referring to claim 35:**

The method of claim 32 wherein in step (g) the order reflects one or a combination of a bundle discount, a group discount, and a volume discount. (Fig 7)

**Referring to claim 36:**

The method of claim 32 wherein an additional step is required between steps (d) and (e) for conflict resolution in case of more than one candidate rule remaining after step (c). (col 19: lines 21-40)

**Referring to claim 37:**

The method of claim 25 wherein the conflict resolution step resolves rule conflicts according to a specified conflict resolution order specified in the factor being processed. (col 19: lines 21-40)

**Referring to claim 38:**

The method of claim 36 wherein the conflict resolution step resolves rule conflicts according to a specified resolution order specified in the factor being processed. (col 7: lines 14-29)

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7, 9, 20, 21, 23, 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter, III, herein referred to as Carter.

**Referring to claims 7 and 20:**

Carter does not expressly disclose the pricing system of claim 1 wherein the pricing requests are received from a third-party price configuration application running

on a node connected to the data network. Carter states that the invention is typically implemented with a remote terminal or computer which communicates with the server via a wired or wireless connection. (col 5: lines 56-58, 63-64) Therefore, it is obvious that Carter's invention can be used with a third-party application, such as a web browser, running on a node connected to the data network.

**Referring to claims 9 and 21:**

Carter does not expressly disclose the pricing system of claim 1 wherein the pricing information includes indication of profit margin for each item and for the order. However, Carter does disclose knowing the Base Cost of the products and having the Base Cost as an override operation. (col 15: lines 1-3) Therefore, it is obvious Carter knows the profit margin of the products. It can simply be calculate from the known Base Price and the Final price.

**Referring to claim 23:**

Carter does not expressly disclose the system of claim 16 wherein the third-party applications used the at least one API for translating platform dependent markup languages to enable cross communication between a client platform and the platform hosting the software application. However, Carter discloses that his invention may be implemented in any type of computer system or programming or processing environment. Carter further states that the invention is typically implemented with a remote terminal or computer which communicates with the server via a wired or wireless connection. (col 5: lines 56-58, 63-64) Therefore, it is obvious that Carter's invention can be used with a third-party application, such as a web browser, which

translates with platform dependent markup language and is able to cross communicate between a client platform and the platform hosting the software application.

**Referring to claim 24:**

Carter discloses the following:

The system of claim 23 wherein client platforms capable of cross-communication with the software application include CTI telephony platforms including Interactive Voice Response systems, platforms using Wireless Markup Language, Voice over Internet Protocol, Hypertext Markup Language, and Extensible Markup Language. (col 5: lines 55-67)

**Referring to claim 26:**

Carter does not expressly disclose the method of claim 25 wherein in step (a) the request has more than one item listed for pricing and the method is repeated for each item in the request using the same pricing sequence. Carter discloses that in step 1506 the user specifies products, price adjustments or other user selected parameters. (col 18: lines 65-67) Therefore, it is obvious that Carter's invention can accept a request with multiple items. It is also obvious that the pricing method is repeated for each item in the requests using the same pricing sequence because Carter states in step 1524 the various Pricing Types included in the sorted pricing adjustments are applied in the user specified pricing sequence. Thus, the price of the user specified product is increased, decreased, and/or overridden until the final price is determined. (Col 19: lines 46-50)

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rutao Wu whose telephone number is (571)272-3136. The examiner can normally be reached on Mon-Fri 8-5.

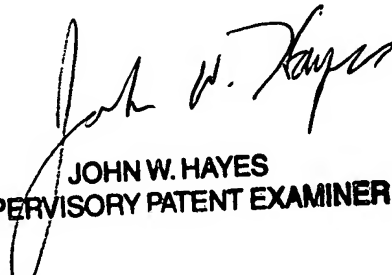
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571)272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

rw



**JOHN W. HAYES**  
**SUPERVISORY PATENT EXAMINER**